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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,984	02/20/2004	John R. DeCesare	104195-0016	4382
24267 7590 07/03/2007 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210				
			EXAMINER NGUYEN, BRIAN D	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,984	Applicant(s) DECESARE ET AL.	
	Examiner Brian D. Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 23-41 and 45 is/are rejected.
- 7) ☒ Claim(s) 20-22 and 42-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The applicant is requested to provide the serial number or Patent number for the application mentioned on page 8 of the specification.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claims 1, 5, 6, 20, 23, and 45 are objected to because of the following informalities:

Claim 1, line 17, it is suggested to insert --primary and secondary-- before redundancy connections”.

Claim 5, line 1, it is suggested to replace “connection” with --connection-- because only one bear traffic connection mentioned in claim 1.

Claim 6 has the same problem as claim 5.

Claim 20, line 3, it is suggested to replace “if so” with --if a master is found-- and “if not” with --if no master is found--.

Claim 23, line 17, it is suggested to insert --primary and secondary-- before redundancy connections”.

Claim 45, line 20, it is suggested to insert --primary and secondary-- before redundancy connections”.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-12, 21-22, and 29-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7-9 and 12 recites the limitation "said redundancy connection" in line 1 of claims 7 and 8 and line 2 of claims 9 and 12. It is unclear which one of the primary and secondary redundancy connections the applicant is referring to.

Claims 10 and 11 are unclear because when the connection is unavailable; there will be no signal between the primary and secondary switches to indicate an unavailable connection.

Claim 21 recites the limitation "said requesting switch" in line 1. It is unclear which one of the primary and secondary telecom switches the applicant is referring to.

Claims 29-31 and 34 recites the limitation "said redundancy connection" in line 1 of claims 29 and 30 and line 2 of claims 31 and 34. It is unclear which one of the primary and secondary redundancy connections the applicant is referring to.

Claim 32 and 33 have the same problem as claims 10 and 11.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 7, 13, 23-25, 27, 29, 35, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Higgins et al (5,923,643).

Regarding claim 1, Higgins discloses a system for providing redundancy for telecommunication switches (telecom switches) receiving control signal data from a control network and bearer traffic data from a bearer traffic network, the system comprising: a primary telecom switch (including 20 and 26 in figure 2), the primary telecom switch having a primary I/O board (20) for transmitting and receiving data, the primary I/O board having communicating relationships through: i) a control signal connection (see switching buses 30a and 30b); ii) a bearer traffic connection (see lines connected to I/O board 20); and iii) a primary redundancy connection (redundant IO bus 24), the primary telecom switch having a primary processing board (26) for processing the data; and a secondary telecom switch (including 22 and 32), the secondary telecom switch having a secondary I/O board (24) for transmitting and receiving data, the secondary I/O board having communicating relationships through: i) a control signal connection (see switching buses 30a and 30b); and ii) a secondary redundancy connection (redundant IO bus 24) in communicating relationship with the primary redundancy connection, the secondary telecom switch having a secondary processing board (32) for processing the data, wherein the secondary telecom switch assumes the role of the primary telecom switch in the event that the primary processing board becomes unavailable, the secondary telecom switch communicating with the bearer traffic network through the redundancy connections and the primary I/O board (see figure 2 and col. 4, lines 57-67).

Regarding claim 2, Higgins discloses the telecom switches are converged services platforms (CSPs) (see figure 2 and col. 5, lines 1-9).

Regarding claim 3, Higgins discloses the bearer traffic network is a circuit-switched public switched telephone network (PSTN) (see col. 4, lines 11-15 and col. 5, line 1-9).

Regarding claim 5, Higgins discloses the bearer traffic connections are a port type selected from the group consisting of: T1, E1, J1, and DS3 (see col. 5, lines 1-9).

Regarding claim 7, Higgins discloses the redundancy connection comprises one or more cables (bus 24 comprises one or more cables).

Regarding claim 13, Higgins discloses the secondary telecom switch receives bearer traffic data regardless of whether the primary telecom switch is available or unavailable (see figure 2 where redundant card 22 is connected to card 20 to receive traffic data regardless of whether the primary telecom switch is available or unavailable).

Regarding claims 23-25, 27, 29, and 35, claims 23-25, 27, 29, and 35 are method claims that have substantially all the limitations of the respective system claims 1-3, 5, 7, and 13. Therefore, they are subject to the same rejection.

Regarding claim 45, claim 45 is a means plus function claim that has substantially all the limitations of the respective system claim. Therefore, it is subject to the same rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins.

Regarding claim 4, Higgins discloses a packet communication (see, for example, col. 5, lines 15-16) but does not specifically the packet communication uses the Internet protocol. However, to use IP or any others well known protocols is a matter of choice. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the Internet protocol in order for the system to communicate with IP network.

Regarding claim 26, claim 26 is a method claim that has substantially all the limitations of the respective system claim 4. Therefore, it is subject to the same rejection.

10. Claims 6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Krivoshein et al (5,980,078).

Regarding claim 6, Higgins discloses different types of traffics using different ports but does not specifically disclose programming to delineate port types of the bearer traffic connections. However, Krivoshein discloses this feature (see port types in col. 24, lines 62-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to delineate port types of traffic connections as taught by Krivoshein in the system of Higgins in order to distinguish one port from the others.

Regarding claim 28, claim 28 is a method claim that has substantially all the limitations of the respective system claim 6. Therefore, it is subject to the same rejection.

11. Claims 8 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Smith (2003/0209654).

Regarding claim 8, Higgins does not specifically disclose the redundancy connection is keyed to prevent improper engagement. However, this feature is well known in the art. Smith discloses this feature (see paragraph 0026). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to key the connection to prevent the improper connection as taught by Smith in the system of Higgins in order to prevent improper connection.

Regarding claim 30, claim 30 is a method claim that has substantially all the limitations of the respective system claim 8. Therefore, it is subject to the same rejection.

12. Claims 9-10, 12, 31-32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Ying (6,732,202).

Regarding claims 9-10 and 12, Higgins does not specifically disclose a connection detect signal provided on the redundancy connection and asserts mastership in the event the signal indicates an unavailable connection. However, Ying discloses a connection detect signal (periodic signal) provided on the redundancy connection and asserts mastership in the event the signal indicates an unavailable connection (see col. 7, lines 42-49 where a node take over the functionality of another node when the node fails to receive the periodic signal from the other node). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to assert mastership as taught by Ying in the system of Higgins in order to ensure that the system will continue to operate.

Regarding claim 31-32 and 34, claims 31-32 and 34 are method claims that have substantially all the limitations of the respective system claims 9-10 and 12. Therefore, they are subject to the same rejection.

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13. Claims 14-17 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Honda et al (2006/0253852).

Regarding claims 14-17, Higgins does not specifically disclose each board includes an ID and the use of the ID for different purposes as claimed in claims 14-17. However, a circuit board with an ID such a part number, serial number for identify the board and the use of these IDs for different purposes is well known in the art. Honda discloses these features (see paragraph 0164). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an ID for each boards and use the ID for different purposes as taught by Honda in the system of Higgins in order to meet specific needs.

Regarding claims 36-39, claims 36-39 are method claim that has substantially all the limitations of the respective system claims 14-17. Therefore, it is subject to the same rejection.

14. Claims 18-19 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Liva et al (7,099,340).

Regarding claims 18 and 19, Higgins does not specifically disclose a mastership signal communicated between the primary and secondary telecom switches, wherein the secondary telecom switch asserts mastership in the event that the mastership signal indicates that the primary telecom switch is unavailable. However, Liva discloses these features (see col. 2, line 50-col. 3, line 6 and col. 9, lines 46-55).

Regarding claims 40-41, claims 40-41 are method claims that have substantially all the limitations of the respective system claims 18-19. Therefore, they are subject to the same rejection.

Allowable Subject Matter

15. Claims 20-22 and 42-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 11 and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cantwell et al (6,895,528) and Cagle et al (6,854,072).

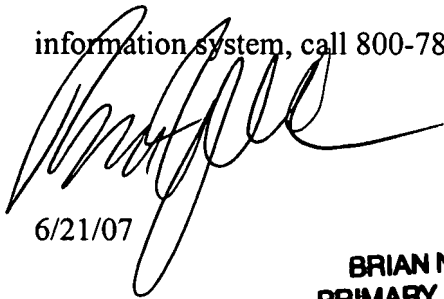
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084.

The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



6/21/07

**BRIAN NGUYEN
PRIMARY EXAMINER**